

FINDING OF NO SIGNIFICANT IMPACT

CASPIAN TERN NESTING ISLAND CONSTRUCTION PROJECT, CRUMP LAKE LAKE COUNTY, OREGON

The proposed action entails construction of a 1-acre island for Caspian tern nesting habitat in Crump Lake, Warner Valley, Southcentral Oregon and, in combination with social attraction measures, attraction of nesting Caspian terns from the East Sand Island (Columbia River estuary) colony to Crump Lake. The proposed island (Tern Island) in Crump Lake is located approximately seven miles north of Adel in Lake County, Oregon. The project is located in the central portion of Crump Lake, north of the peninsula that nearly bisects the lake. The original island now proposed for restoration was partially dismantled by artifact hunters circa the 1950's and then was subsequently eroded by wave action. The island had supported colonial nesting birds from at least 1911. Construction would occur February-early March 2008 prior to snowmelt and lake refill and when wildlife use of the location would be minimal. Currently, the lakebed at the project location is dry and frozen which will facilitate construction and minimize environmental impacts.

Construction and implementation of the nesting island will benefit Caspian terns and perhaps other colonial nesting species such as double-crested cormorants and white pelicans that occur at Warner Valley lakes by providing suitable nesting habitat. Attraction of Caspian terns to the nesting island will be facilitated by the employment of decoys and a sound system playing Caspian tern vocalizations recorded from an existing colony. These social attraction measures will be employed for a number of years.

The proposed action represents off-site mitigation for impacts to juvenile salmonids from the Federal Columbia River Power System. Off-site mitigation is authorized under Section 906(b)(1) of the Water Resources Development Act of 1986. Funding is derived from the Columbia River Fish Mitigation Program. This action, in concert with comparable actions at five other locations is intended to reduce the Caspian tern population in the Columbia River estuary, thereby reducing the number of juvenile salmonids consumed annually by Caspian terns.

The proposed action is in compliance with Section 404 (b)(1) of the Clean Water Act under Nationwide Permit No. 27, which authorizes the construction of small nesting islands. Section 401 Water Quality Certification for Nationwide Permit No. 27 is provided in a letter from the Oregon Department of Environmental Quality dated July 18, 2007. Cultural resource compliance was received on February 6, 2008 from the Oregon State Historic Preservation Office.

The project is in compliance with the Endangered Species Act and Magnuson-Stevens Act. Biological Assessments were prepared for the 2005 Caspian tern FEIS that addressed listed species and their critical habitat under the jurisdiction of the USFWS and NMFS, including Essential Fish Habitat. The USFWS and NMFS each prepared biological opinions (BO) in February 2006 addressing the potential impacts to listed species under their jurisdiction. The

Terms and Conditions of the USFWS BO require monitoring of the Caspian tern colony at Crump Lake to ensure that incidental take levels of Warner sucker are not exceeded. Monitoring actions to comply with the Service's Terms and Conditions will be implemented in 2008.

A Draft and Final Environmental Impact Statement (February 2005) addressed this and similar actions in a programmatic manner and provided for public involvement. Records of Decision were signed in November 2006 by the USFWS and Corps adopting a modified Alternative C as the preferred alternative which included the nesting island at Crump Lake as a component. A draft Environmental Assessment and associated Public Notice were issued on December 27, 2007 for a 30-day review period to allow for further public comment.

Comments on the Draft EA were received only from the U.S. Fish and Wildlife Service, Bend Field Office. Their comments pertained to Reasonable and Prudent Alternatives, Terms and Conditions, and Conservation Measures previously provided in their biological opinion. They did express concern that the island surface area exceeded one acre; only one acre of suitable nesting habitat was prescribed in the Final EIS. It was subsequently determined, using the correct mathematical formula, that the surface acreage of the island described in the Draft EA was 0.9958 acres and thus was in compliance with the Final EIS.

I have determined, based upon a review of the Environmental Assessment, supporting documentation, and public comments, including our response to public comments, that the proposed action will not have a significant impact on the human environment.

Date 8 FEB '08

A handwritten signature in black ink, appearing to read "Thomas E. O'Donovan", is written over a light gray rectangular background.

Thomas E. O'Donovan
Colonel, EN
Commanding